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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CENTER FOR BIOLOGICAL)
DIVERSITY, et al.,)
Plaintiffs) Case No. 2:19-cv-01915-GMN-EJY
v.)
STIPULATED AGREEMENT AND
UNITED STATES BUREAU OF LAND)
MANAGEMENT, et al,)
Defendants.)
BRIEFING SCHEDULE FOR MOTION
FOR PRELIMINARY INJUNCTION;
AND ~~PROPOSED~~ ORDER

Plaintiff Center for Biological Diversity (“the Center”), Federal Defendant United States Bureau of Land Management (“BLM”), and Prospective Intervenor iioneer USA Corporation (“ioneer”) agree and stipulate as follows:

WHEREAS, ioneer has represented that it will not conduct any additional ground disturbing activities pursuant to the Rhyolite Ridge Exploration Project (Notice NVN-097202) or the South Infill Exploration Project (Notice NVN-097262) for the next 35 days, from November 5, 2019 to December 10, 2019.

1 **WHEREAS**, ioner represents the only activities that will be conducted by ioner during
2 the next 35 days will be continued work on two water bores that are already in place.¹ During
3 the course of conducting these activities, ioner will continue to comply with the existing
4 requirements of the Notices NVN-097202, and NVN-097262 and any applicable statutes and
5 regulations.

7 **WHEREAS**, the Center represents that it will not file a motion for a temporary
8 restraining order during the next 35 days.

10 **WHEREAS**, the Center represents that it will not oppose a motion to intervene in this
11 case by ioner.

12 **THEREFORE**, the Parties agree and stipulate:

- 14 1. The Center will file its motion for a preliminary injunction, and all supporting
15 materials, on or before November 5, 2019.
- 16 2. The BLM and ioner (if granted intervention) will file their responses to the Center's
17 motion for a preliminary injunction on or before November 19, 2019.
- 18 3. The Center will file its reply brief on or before November 26, 2019.
- 19 4. The Parties respectfully request that the Court set an argument date on the Center's
20 motion for a preliminary injunction as early thereafter as possible.
- 21 5. If ioner decides to proceed with additional ground disturbing activities after the 35-
22 day period but prior to the Court's resolution of the Center's motion for a preliminary

26 1 In agreeing that this activity may proceed for the purpose of this agreement, the Center is not
27 agreeing or admitting that this activity has been lawfully allowed or authorized by BLM, and
28 BLM and ioner neither admit nor deny the allegations in Plaintiffs' Complaint for Declaratory
and Injunctive Relief, *see* ECF No. 1.

1 injunction, the Center will likely file a motion for a temporary restraining order at that
2 time.

3 Dated: November 5, 2019.

4 Respectfully submitted,

5 JEAN E. WILLIAMS
6 Acting Assistant Attorney General

7 /s/ Michelle-Ann C. Williams
8 MICHELLE-ANN C. WILLIAMS
9 Trial Attorney

10 *Counsel for Federal Defendants*

11 /s/ Christopher W. Mixson

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18 *Counsel for Plaintiff*

19 IT IS SO ORDERED:

20 
21 UNITED STATES MAGISTRATE JUDGE

22 DATED: November 6, 2019